

TOWN & COUNTY ZONING

ZA Report Dated 10-9-12

9-8-12 to 10-9-12

I. Permit Applications Approved and Issued:

Name	Date Received	Date Issued	Type/Address
Town of La Pointe+++		9-17-12	Commercial Bldg State/County Sanitary Big Bay Town Park
(BBTP Comfort Station. No Town Permits required per TB.)			
Hansen, James +		9-21-12	Accessory 3418 Big Bay Road
(Proposed accessory moved 9 ft to meet side setback. Proposal to move existing accessory withdrawn due to side setback encroachment.)			
Michalko, Gary+		9-25-12	Drive extension (temp accessory) 835 South Shore Road
McHugh, Steve, Mary+		9-25-12	Addition to SFD 2231 North Shore Road
Kuahuia, Joseph		10-1-12	Single Family Dwelling 1099 Middle Road
(Previous permit for home expired. Foundation installed w/o UDC per James Price)			
Town of La Pointe+++		10-2-12	Accessory State/County Sanitary Big Bay Town Park
(BBTP Bathroom #1. No Town Permits required per TB.)			
Nauman, Murcile		10-2-12	Accessory 937 Middle Road
Dillon, Ann/Lohman, Bill		10-8-12	Accessory 1323 Middle Road
(Approved per TPC 10-3-12 meeting. Variance issued to the property for lot area)			
Woods, Thomas/Marcy		10-8-12	Addition/Alteration 908 Nebraska Row
(Approved per TPC 10-3-12 meeting. Variance issued to the property for setback.)			

Certified Survey Maps

<u>Name</u>	<u>TPC approve/deny</u>	<u>TB approve/deny</u>	<u>Address</u>
Schaub	To be reviewed by TPC at their next meeting		Hagen Rd

II. Permit Applications in Progress:

<u>Name</u>	<u>DateReceived</u>	<u>Project/ Address</u>
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MIYC	11-20-07	CUP – Warehouse/Boat Storage Fire # 633 Main St
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(CUP not yet issued due to sanitary not in order.)

Slater/McCue+	1-20-11	SFD 1268 Big Bay Road
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(waiting for shoreland restoration plan per DNR requirements. Per L. Hildebrandt the applicant has two choices, either submit a restoration plan or choose not to disturb the existing buffer – no mow etc. Slater has communicated to L. Hildebrandt that they will make their decision in the spring of 2012 when they want to build.)

Weiner, Sara	Single Family Dwelling Oak Lane
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(Needs sanitary reconnect permit – waiting for application and plumber inspection report.)

LaDuke, Winona+++	4-28-12 (incomplete)	Land Disturbing Activity, Accessory (x2), Long Term Camping Unit
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(Ms. LaDuke has not moved forward with any permits on the property. No wetland fill permit has been issued by the DNR since the application has been incomplete. Several complaints about parking on County Hwy in front of the property. The driveway access was permitted to allow an off-street parking space but the access has not been installed.)

Gerou, Ann	9-27-12	Road Access Stone Pointe Lane
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(Inspection with A. Nelson. Wetland indicators present. Route of least wetland impact likely to be located by delineator. I couldn't find a route with no impact at the time.)

Cone, Caroline	Single Family Dwelling 312 Mondamin Trail
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(Sanitary Permit not yet submitted – application incomplete.)

Wilharm, Paul	10-2-12	Land Disturbing Activity 3044 Big Bay Road
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(excavate pond to grade sides – DNR permit required. Fill/Grade other areas on property.)

Wilharm, Paul 10-2-12 Land Disturbing Activity
 ***** Big Bay Road
 (Fill/Grade areas on vacant parcel adjoining 3044 Big Bay Rd.)

Brooks, Carl 9-21-12 Accessory
 3156 Big Bay Road
 (Potential wetlands – DNR to visit 10-11-12)

Hartzell, Robert Rental of a Principal Dwelling x 7
 7 different properties
 (Employee housing. Needs to go to TPC for Ordinance interpretation.)

Marvin, Sanders Rental of a Principal Dwelling
 North Shore Road
 (After the Fact – Late fee required)

Breunig, Kari 10-8-12 Accessory Dwelling/Garage
 2794 North Shore Road
 (Connection to existing mound system under Larry Hildebrandt review. I am reviewing compliance with 65%/1500 sq ft size limitation. I have a call in to Ted Pallas to make sure I'm assessing the square footage correctly.)

Breunig, Kari 10-8-12 Land Disturbing Activity
 2794 North Shore Road
 (house site prep)

III. Permit Applications Denied/Revoked:

Name	Date Applied	Date Denied	Type/Address
None			

IV. Violations

Name	Violation	Order
Ed Kale	Addition and Accessory without a permit at 690 Main St.	Order for Correction issued by ZA for the addition with approval from the TB. Certified letter returned "Refused" 9-7-12. Noncompliance with Town Board Order of Correction.
Benjamin Ryder	Rental without a permit at 2427 Spirit Lane. Also complaints filed with Police Dept re: double booking and non-refund of deposit to rental parties. Violations with Health Dept per Ken Tuckwell re: nonpayment of water testing fee and use of illegal hot tub for guests. Tuckwell bringing violation to District Attorney if not abated. Rental Permit Revoked by Order of the TB for not having required	

Health Dept license. Certified letter sent 8-30-12. Police Department received a complaint after permit was revoked. The complainant stated Mr. Ryder tried to house the visitors in the unfinished garage apartment - no sanitation/running water etc. Noncompliance with Town Board Order.

Craftivity, Inc. aka Madeline Island School of the Arts Rental of the Farmhouse without a permit at 978 Middle Road. Order for Correction issued by the Town Board to submit completed permit application. Certified letter sent 9-4-12 requiring a completed application by 4 pm 9-7-12. No application submitted as of the date of this report. Noncompliance with Town Board Order or Correction.

HRA Investors, Inc Land Disturbing Activity without a permit. Stop Work Orders issued by ZA with TB approval. Certified letter sent. Application submitted. Will await DNR/Army Corps approval/reparation requirements prior to issuing permit.

Marvin, Sanders Short Term Rental without a permit or payment of Accommodations Taxes. Permit application submitted and will be approved. Treasurer is following up on Acc Taxes.

Kron, Robert Deck built without permit. TPC interpretation of CUP and permit requirement at 9-20-12 meeting. Certified letter to Kron 9-25 with permit application and appeal application. No application received as of the date of this report.

V. Land Use Permit – No Permit Required:

Name	Project/ Address
Michalko, Gary	Temp boat storage “tent”. TPC interpreted previously that these temporary structures don’t require a permit. It is within setbacks and a permit was issued to extend the driveway for the boat parking area.

VI. Correspondences: Letters/MEMO to

Name	Date	Re
HRA Investors	9-20	Thank you – please complete application fully
Kron, Robert	9-25	Notice of TPC decision – deck needs after-the-fact permit and double fees
Craftivity, Inc	9-26	Notice of TPC recommendation to TB
Brummer, Paul	9-26	Notice of TPC recommendation to TB
Town Board	9-28	TPC recommendation re PB 6-26-12 Complaint
Board of Appeals	10-2	ZA position on Tibble Appeal

VII. Complaints

<u>Name</u>	<u>Date</u>	<u>Regarding</u>
Theune, Dan/Tracie	10-2-12	Verbal complaint about adjoining property owner cutting trees on their property and having built stairs to the lake outside granted easement.
Nelson, Charles R.		Ongoing. Middle Road Literary Arts Society dba Tom's Burned Down Café – vision triangle etc. I received a call from Tom Nelson 9-7 who stated Charles Nelson's complaint is valid and he is working to resolve the issue. Email from Tom received 9-7. Will inspect the property soon with Mr. Nelson.
Cushman, Mortimer		Ongoing. Use of William Tibble property for business and use/maintenance of shared private road. Upon my request the TPC decided the use of the property for Hippophile Farm had exceeded its nonconforming home occupation permit and requires a CUP for a Home Business. TPC also decided the use and maintenance of a private road is not the jurisdiction of the TPC. Letter to property owner and complainant re TPC decision and my decision re; complaint and CUP required w/in 60 days. Tibble appealed. Appeal granted. I will review Section 15.1, the BOA Decision, and information received post appeal to determine my next step in the process.
Brummer, Paul	6-26	Ongoing. Use of Craftivity, Inc property to host the Madeline Island Wilderness Preserve Fundraiser. Alleges Violation of CUP confirmed by TPC interpretation. Interpretation not appealed. Public Hearing held 8-23. TPC recommendation made at their 9-20 meeting. TB to decide at 10-9 meeting.

X. New Business

There are three property owners that have **refused to obey the Town Board Orders**.

1. **Craftivity, Inc.** Order for Correction to apply for Rental Permit
2. **Benjamin Ryder** Order Revoking Rental Permit
3. **Edward Kale** Order of Correction to apply for necessary permit(s)

The next step per Zoning Ordinance is for me to request Town Board approval to seek compliance in Court. As an intermediate step I have asked Fauerbach to draft a letter to

the property owners. If compliance is still not met I will be seeking permission to bring the cases to court.

My work agenda is over full and I have had to prioritize to meet required deadlines. This report is late – it is one of the items that do not have a mandated timeline in the Ordinance or Statutes so I have had to put it off a few days.

Fulfillment of a public information request has a deadline, per se. The guideline from DOJ is about 10 days but it also says I have 48 hours to make records available for inspection. When representatives of Craftivity, Inc request review of records for the past 12 years, then 6, then change it to the past 5 years while having other requests to fill for Mr. Meech simultaneously, it halts office productivity for contractors and other administrative business. I have to gather the files, set up space for the viewing, oversee the viewing etc. In total the record viewing on 10-2-12 by Peter Rogers and Charles Meech took 4.5 hours. This does not include the emails trying to figure out what files they wanted to view or the copying I have yet to do for pages they have marked in the files. Charles Meech has submitted several duplicate records requests I am required to respond to while trying to meet Board of Appeals deadlines, TPC notice of recommendation deadlines, etc. I am only reporting this to the Town Board in case there is a complaint filed by a contractor for any delay in permit issuance. Permits are my priority – I am extremely sensitive to making sure contractors have work for the winter – but when I'm working against several impending deadlines, I have no choice but to meet the legal requirements first. Therefore I have not been able to get all the work accomplished as quickly as I would like. I have been able to put in overtime to minimize delay.

The Board of Appeals rendered a decision in favor of the Appellant, William Tibble. I have yet to review the audio, however the facts of the case I am aware of at this time lead to my opinion that Certiorari Review is not out of the question. I will be attending to the remainder of the Cushman Complaint and review of the BOA decision/meeting audios promptly

The WI County Code Administrators Conference was very informative. I received POWTS credits for continuing education as well as information regarding wetland permitting, metallic/nonmetallic mining, Town/County relationships (very helpful), and floodplain. There was also a representative from WRS who gave information and answered questions about retirement. I can't explain how helpful it is to talk to other Administrators about their jurisdiction and issues facing them during meals and breaks.

XI. Old Business

+ indicates a County permit has been or needs to be issued for the project